

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

STATE FARM FIRE AND CASUALTY
COMPANY,

Plaintiff,

Civil Action No. 5:10-CV-347

vs.

SHOP-VAC CORPORATION,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

ALI, PAPPAS LAW FIRM
614 James Street
Suite 100
Syracuse, New York 13203

BRIANNE CARBONARO, ESQ.

FOR DEFENDANT:

BAILEY, KELLEHER LAW FIRM
Pine West Plaza 5
Suite 507
Washington Avenue Extension
Albany, NY 12205

NANNETTE KELLEHER, ESQ.

NEAL P. MCCURN
SENIOR U.S. DISTRICT JUDGE

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

The parties have entered into an agreement in settlement of all

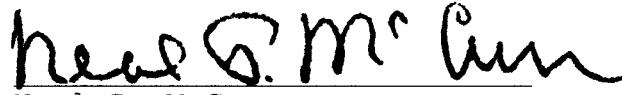
claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: March 24, 2011
Syracuse, New York


Neal P. McCurn
Neal P. McCurn
Senior United States District Judge